

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Smith, S., et al.
Appl. No.: 09/813,351
Filed: March 19, 2001
Title: LARGE VOLUME FLEXIBLE CONTAINER
Art Unit: 3727
Examiner: Jes F. Pascua
Docket No.: CRTS-5679 (113964-005)



Commissioner for Patents
Washington, DC 20231

AFFIDAVIT OF SIDNEY T. SMITH
Under 37 C.F.R. § 1.131

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JUL 31 2002

TECHNOLOGY CENTER R3700

I, Sidney T. Smith, state as follows:

1. I am one of the named joint inventors of the above-identified patent application and I am familiar with the inventions disclosed in the application.

2. I have been informed that U.S. Patent No. 6,371,646 to LaFleur was relied on in a rejection entered by the United States Patent and Trademark Office in an Office Action dated April 24, 2002.

3. I have been informed that the effective prior art date of the LaFleur '646 patent is July 26, 2000.

4. One of the inventions disclosed in the above-identified application is a flexible container having gusset end portions which extend outwardly from the container. Further, the end panels may have a gusset angle of about 135.5 degrees - 138 degrees.

5. The flexible container having gusseted end panels invention was conceived of and reduce to practice prior to the July 26, 2000 effective date of the LaFleur '646 patent.

6. An invention disclosure document titled "Geometry and Orientation of Large Scale Box Liners" is attached as Exhibit A. I prepared the attached invention disclosure document, including the sketches.

7. The flexible container having gusseted end panels invention was conceived of at least as early as July, 1999, when trying to conceive of a flexible container that unfolds by itself with little to no user interaction after being placed in a support box. See Exhibit A, page 2, third paragraph, and Figure 2.

8. On or about November, 1999, I developed geometrical and computer aided design models of the flexible container having gusseted end panels. See Exhibit A, page 2, second paragraph, and all of the Figures.

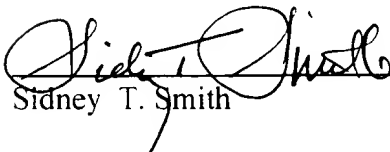
9. On or about November, 1999, I developed a gusset angle of about 135.5 degrees – 137 degrees for the container having gusseted end panels. See Exhibit A, page 2, second paragraph, and all of the Figures.

10. On or about November, 1999, actual samples of flexible containers were fabricated according to the flexible container having gusseted end panels invention. See Exhibit A, page 3, paragraph F.

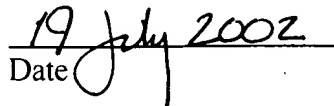
11. On or about March, 2000, additional containers were manufactured according to the flexible container having gusseted end panels invention. See Exhibit A, page 3, paragraph F.

12. Thus, the flexible container having gusseted end panels invention was conceived of and reduced to practice at least as early as November, 1999, which predates the LaFleur '646 patent effective date of July 26, 2000.

13. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further, I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issued thereon.



Sidney T. Smith



Date